

SB

297

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/6/04

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4-19-04

Resources Committee considered SENATE BILL NO. 297

SB 297 TAKING BLACK, BROWN, & GRIZZLY BEAR/GUIDES

"An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas."

and recommends:

- be replaced with _____ CS SB 297 (RES)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
 New Title

House Bill:

- Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
F&G	3/12/04			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>Jul Pym</i>	✓			
<i>Tom Wagoner</i>	✓			
<i>Ben Smith</i>	✓			
<i>Ralph L</i>	✓			
CHAIR: <i>Scott J</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB297CS-DPS-ABWE-4-22-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Act relating to bear predation management RDU Alaska State Troopers
 Component Bureau of Wildlife Enforcement
 Sponsor Sen. Seekins
 Requester (S) Resources Component No. 2746

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This act will establish policies related to the Department of Fish and Game (ADF&G) being able to issue permits to allow hunters, both resident and non-resident, to harvest black, brown, and grizzly bears within "intensive management" areas. ADF&G will issue bear predation management permits to those hunters who qualify. Nonresident or nonresident aliens will be accompanied by a registered guide or master guide, or by a hunter who is over 21 years of age and who meets other qualifications outlined in the legislation. The taking of bear under authority of a bear predation management permit is subject to all other provisions applicable to the taking of bear such as the regulations governing the method, manner, means, bag limit, or other matters adopted by the board that do not conflict with this legislation.

This legislation is not expected to have a fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Al Storey Phone 907-269-4532
 Division Alaska State Troopers Date/Time 4/22/04 10:19 AM
 Approved by: Commissioner William Tandeske Date 4/22/2004
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: S.B. 297
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: Taking Black, Brown, and Grizzly Bear RDU: Wildlife Conservation
Component: Wildlife Conservation
Sponsor: Senator Seekins
Requester: Senate Resources Component No.: 473

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson, Legislative Liaison
Division: Alaska Department of Fish & Game
Approved by: Commissioner Kevin Duffy
Agency: Alaska Department of Fish & Game

Phone 465-6137
Date/Time 3/12/04 11:37 AM
Date 3/12/2004



SENATOR SCOTT OGAN

23RD Alaska State Legislature

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek * Fairview Loop

Knik-Goose Bay * Big Lake * Houston * Willow * Talkeetna * Trapper Creek

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Senator_Scott_Ogan@legis.state.ak.us

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FACSIMILE TRANSMITTAL SHEET

TO: Leg Legal FROM: Linda Hay - S. Res.
 COMPANY: George Utermohle DATE: 4-17-04
 FAX NUMBER: _____ TOTAL NO. OF PAGES INCLUDING COVER: _____

PHONE NUMBER: _____ RE: CS for SB 297

- URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

George - please prepare a new CS for SB 297 based on 23-LS06071X with the following conceptual amend. If there are questions please let me know. Also I would like this as draft form first for the comm to review. It passed out of committee on Friday - 4-16-04. Thanks

Conceptual Amendment #1

The Board shall authorize and the Department shall implement whatever methods and means deemed necessary to effectively carry out the purposes of bear predation management.

George – they wanted you to decide where it should go in the bill

CONCEPTUAL Amendment

#1

The Board shall ^{authorize the} implement ^{Department shall}

whatever methods and means

deemed necessary to effectively

carry out purposes of Bear

predation management.

- adopted U.C.
- Amend to Amend adopted U.C.

moved by Seekins
discussed
objection removed
major will
determine where
it goes.

adopted on 4/2/04

3 hearings -

23-LS0607\W
Utermohle
3/31/04

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR SEEKINS

Introduced:
Referred:

*"bear control permit" changed to
bear predation management permit*

Safety training

A BILL

FOR AN ACT ENTITLED

bear predation mgmt

1 "An Act relating to (the taking of black bear and brown or grizzly bear) and the donation
2 and sale of bear hides and skulls."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 16.05 is amended by adding a new section to read:

5 Sec. 16.05.781. Control of black bear and brown or grizzly bear. (a) If,
6 under AS 16.05.255(e) or (f), the Board of Game has identified predation by bear as a
7 cause of the depletion, or the reduction of the productivity, of a big game prey
8 population that is a basis for the establishment of an intensive management program in
9 a game management unit or subunit or for the declaration of the biological emergency
10 in a game management unit or subunit, the species of bear identified by the board may
11 be taken under (c) - (i) of this section in the area identified by the board by a person
12 who holds a bear control permit issued under this section. If the department
13 determines that within the area in which an intensive management program is in
14 effect, the bear population has been reduced to the population level set by the board or

1 the big game prey population has achieved the population objectives set by the board,
 2 the provisions of (c) - (i) of this section are no longer in effect in the area. The
 3 department shall provide notice to the public of when and where (c) - (i) of this section
 4 are in effect.

5 (b) The department shall issue a bear control permit to a resident, nonresident,
 6 or nonresident alien who holds a valid state hunting license to take bear, who is at least
 7 19 years of age, who satisfies the requirements set out in this section, and who applies
 8 for the permit. A bear control permit authorizes the permit holder to take or assist in
 9 taking one or more specified species of bear in the area identified in the permit. The
 10 taking of bear under authority of a bear control permit is subject to provisions of
 11 AS 16, applicable to the taking of bear, and to regulations governing the method,
 12 manner, means, bag limit, or other matters adopted by the board that do not conflict
 13 with (c) - (k) of this section. The department shall issue bear control permits at each
 14 of its offices.

15 ~~(b)~~ (c) Notwithstanding AS 16.05.407 or 16.05.408, a nonresident or a
 16 nonresident alien who holds a bear control permit issued under this section may take a
 17 bear under the authority of the permit if the nonresident or nonresident alien is
 18 accompanied in the field by either a registered guide or a master guide or by a resident
 19 who holds a bear control permit for the area where the hunt occurs, who is over 21
 20 years of age, and who has legally ^{harvested} ~~hunted~~ big game in the state during at least two
 21 calendar years. A registered guide or a master guide is not subject to any limitation on
 22 the number of nonresident or nonresident alien permittees that the guide may
 23 accompany for purposes of taking bear under this section. A resident who is not a
 24 registered guide or master guide may not receive any remuneration in excess of direct
 25 expenses incurred in accompanying the nonresident or nonresident alien to take a bear
 26 and may not accompany more than two nonresidents, regardless of whether they are
 27 aliens or not, during a calendar year to take a bear under this subsection. A resident
 28 who accompanies a nonresident or nonresident alien permittee, but who is not a
 29 registered guide or master guide, shall remain with the nonresident or nonresident
 30 alien permittee at all times when the nonresident or nonresident alien permittee is in
 31 the field.

Hunt
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Could be eliminated if considered by game

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~~(d)~~ (d)

Notwithstanding any other provision of law, a nonresident who is a member of the military service or the United States Coast Guard who is stationed in the state, who satisfies the requirements set out in this section, and who is at least 19 years of age shall receive, upon application, a resident bear control permit issued under this section and shall be eligible to take bear under this section in the area identified on the permit without obtaining a nonresident or nonresident alien bear tag. A person who is eligible for a resident bear control permit under this section is a resident for purposes of accompanying nonresident and nonresident alien permittees under (c) of this section and may accompany nonresident and nonresident alien permittees to take bear if the person holds a bear control permit issued under this section for the area where the hunt occurs, is at least 21 years of age, and has legally hunted big game in the state during two calendar years.

~~same~~

(e)

Notwithstanding any other provision of law, a resident, a nonresident, or a nonresident alien who holds a bear control permit issued under this section may take bear under the authority of the permit without obtaining a big game tag for bear.

~~(f)~~ (f)

A person who holds a bear control permit may, within the area identified on the permit, use scents and relocate and use viscera and inedible parts of game, or the whole or parts of dead domestic livestock, as an attractant for bear without having to register.

~~(g)~~ (g)

A person who holds a bear control permit may, within the area identified on the permit, fly into the field to hunt bear, use aircraft to locate or assist in locating bear, and use information as to the location of a bear from another person who, as an incident of flying, has located a bear. A person who holds a bear control permit may not use an aircraft to pursue, herd, or harass a bear.

~~(h)~~ (h)

A person who holds a bear control permit may, within the area identified on the permit, use a motorized land vehicle or motorized boat to pursue and intercept a bear that has become aware of the person's presence.

~~(i)~~ (i)

A person who holds a bear control permit may, within the area identified on the permit, use any communications equipment or optical illumination equipment to aid in the taking of bear.

~~same~~

(j)

A person who takes a bear under authority of a bear control permit shall

*4 Bear also
debatable*

*do not
drive
people
out of
field*

1 have the bear sealed by the department within 15 days after returning from the field.
2 A nonresident or nonresident alien shall pay a fee of \$50 at the time the bear is sealed
3 by the department. The person shall accurately complete and return to the department
4 in a timely manner reports that may be required by regulations of the Board of Game.

5 ~~same~~ (k) In this section, "bear" means black bear or brown or grizzly bear (that is
6 one year old or older.)

7 * Sec. 2. AS 16.40 is amended by adding a new section to read:

8 Article 6. Bear Hides and Skulls.

9 Sec. 16.40.275. Donation and sale of bear hides and skulls. (a) A person
10 may donate a legally taken bear hide or skull to the department or a qualified
11 organization.

12 (b) The department may accept a donation of the hide or skull of a legally
13 taken bear and may sell the hide or skull by direct sale or auction. The disposal of a
14 bear hide or skull under this subsection is exempt from AS 36.30 (State Procurement
15 Code). The department shall return 50 percent of the net proceeds from the sale of the
16 hide or skull to the donor and shall deposit the balance of the proceeds in the general
17 fund. The legislature may appropriate proceeds retained by the department from the
18 sale of bear hides and skulls to the fish and game fund.

19 (c) A qualified organization that is recognized as tax-exempt under 26 U.S.C.
20 501 (c)(3) (Internal Revenue Code) may, subject to regulations adopted by the Board
21 of Game, accept a donation of the hide or skull of a legally taken bear and sell the hide
22 or skull by auction or raffle. The organization may retain an amount from the gross
23 proceeds of the auction or raffle equal to the administrative cost of the auction or raffle
24 plus an amount not to exceed 50 percent of the net proceeds. The proceeds from the
25 auction or raffle of a big game harvest permit may not be used to make a contribution
26 to any candidate for political office or to any organization supporting or opposing
27 ballot propositions or to pay expenses associated with lobbying the legislature or
28 administration. Proceeds from the auction or raffle of a hide or skull, less the amount
29 that is retained by the qualified organization under this subsection, shall be transmitted
30 to the department for deposit in the general fund. The legislature may appropriate
31 proceeds received by the department under this subsection to the fish and game fund.

1

(d) In this section, "qualified organization" has the meaning given in
AS 16.05.343(c).

2



SENATOR SCOTT OGAN 23RD Alaska State Legislature

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek * Fairview Loop

Knik-Goose Bay * Big Lake * Houston * Willow * Talkeetna * Trapper Creek

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FACSIMILE TRANSMITTAL SHEET

TO: <i>Alyson</i>	FROM: <i>Linda Hay</i>
COMPANY:	DATE: <i>4-6-04</i>
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: <i>7</i>
PHONE NUMBER:	RE: <i>Senate Resources</i>

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

SB 318
SB 297

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mall Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 19, 2004

SUBJECT: CSSB 297(RES), An Act relating to bear predation management and to sale of bear hides and skulls (Work Order No. 23-LS0607\B)

TO: Senator Scott Ogan
Attn: Linda Hay

FROM: George Utermohle *GU*
Legislative Counsel

Enclosed is a draft Resources CS for SB 297, relating to bear predation management and to sale of bear hides and skulls.

The draft CS incorporates my understanding of the conceptual amendment adopted by the Senate Resources Committee at its April 16 meeting. The amendment is added to the bill as a new subsection (a) starting on page 1, line 4, of the bill. It is my understanding that it is the intent of the committee that the Board of Game adopt methods, manners, and means for taking bear in order to manage bear predation. The amendment reflects that understanding. The regulations would establish the methods that may be used to take bear as part of a bear predation management program. The responsibility for enforcement of those regulations would fall upon the Department of Public Safety and, to a lesser extent, the Department of Fish and Game.

The amendment does not contain a reference to implementation of those regulations by the Department of Fish and Game because there is virtually nothing for the department to implement. Unless the board delegates discretion to the department to determine what methods are to be used for bear predation management, methods, manners, and means regulations would not require department implementation.

If I have misconstrued the intent of the committee, please contact me so that I can properly reflect the committee's intent in the final CS.

If I may be of further assistance, please advise.

GU:med
04-421.med

Enclosure

23-LS0607B
Utermohle
4/19/04

CS FOR SENATE BILL NO. 297(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR SEEKINS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to bear predation management and the donation and sale of bear hides
2 and skulls."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.781. Bear predation management.** (a) The Board of Game shall
6 adopt regulations establishing the methods, manners, and means for taking bear as the
7 board considers necessary to manage bear predation.

8 (b) If, under AS 16.05.255(e) or (f), the Board of Game has identified
9 predation by bear as a cause of the depletion, or the reduction of the productivity, of a
10 big game prey population that is a basis for the establishment of an intensive
11 management program in a game management unit or subunit or for the declaration of
12 the biological emergency in a game management unit or subunit, the species of bear
13 identified by the board may be taken under (d) - (f) of this section in the area identified
14 by the board by a person who holds a bear predation management permit issued under

1 this section. If the department determines that within the area in which an intensive
2 management program is in effect, the bear population has been reduced to the
3 population level set by the board or the big game prey population has achieved the
4 population objectives set by the board, the provisions of (d) - (f) of this section are no
5 longer in effect in the area. The department shall provide notice to the public of when
6 and where (d) - (f) of this section are in effect.

7 (c) The department shall issue a bear predation management permit to a
8 resident, nonresident, or nonresident alien who holds a valid state hunting license to
9 take bear, who is at least 19 years of age, who satisfies the requirements set out in this
10 section, and who applies for the permit. A bear predation management permit
11 authorizes the permit holder to take or assist in taking one or more specified species of
12 bear in the area identified in the permit. The taking of bear under authority of a bear
13 predation management permit is subject to provisions of this title, applicable to the
14 taking of bear, and to regulations governing the method, manner, means, bag limit, or
15 other matters adopted by the board that do not conflict with this section. The
16 department shall issue bear predation management permits at each of its offices.

17 (d) Notwithstanding AS 16.05.407 or 16.05.408, a nonresident or a
18 nonresident alien who holds a bear predation management permit issued under this
19 section may take a bear under the authority of the permit if the nonresident or
20 nonresident alien is accompanied in the field by either a registered guide or a master
21 guide or by a resident who holds a bear predation management permit for the area
22 where the hunt occurs, who is over 21 years of age, who has legally hunted big game
23 in the state during at least two calendar years and has taken big game in the state
24 during at least one calendar year, and who has obtained a hunter safety certificate
25 issued under (g) of this section. A registered guide or a master guide is not subject to
26 any limitation on the number of nonresident or nonresident alien permittees that the
27 guide may accompany for purposes of taking bear under this section. A resident who
28 is not a registered guide or master guide may not receive any remuneration in excess
29 of direct expenses incurred in accompanying the nonresident or nonresident alien to
30 take a bear and may not accompany more than two nonresidents, regardless of whether
31 they are aliens or not, during a calendar year to take a bear under this subsection. A

1 resident who accompanies a nonresident or nonresident alien permittee, but who is not
2 a registered guide or master guide, shall remain with the nonresident or nonresident
3 alien permittee at all times when the nonresident or nonresident alien permittee is in
4 the field.

5 (e) Notwithstanding any other provision of law, a nonresident who is a
6 member of the military service or the United States Coast Guard who is stationed in
7 the state, who satisfies the requirements set out in this section, and who is at least 19
8 years of age shall receive, upon application, a resident bear predation management
9 permit issued under this section and shall be eligible to take bear under this section in
10 the area identified on the permit without obtaining a nonresident or nonresident alien
11 bear tag. A person who is eligible for a resident bear predation management permit
12 under this subsection is a resident for purposes of accompanying nonresident and
13 nonresident alien permittees under (d) of this section and may accompany nonresident
14 and nonresident alien permittees to take bear if the person holds a bear predation
15 management permit issued under this section for the area where the hunt occurs, is at
16 least 21 years of age, has legally hunted big game in the state during two calendar
17 years and has taken big game in the state during at least one calendar year, and has
18 obtained a hunter safety certificate issued under (g) of this section.

19 (f) Notwithstanding any other provision of law, a resident, a nonresident, or a
20 nonresident alien who holds a bear predation management permit issued under this
21 section may take bear under the authority of the permit without obtaining a big game
22 tag for bear.

23 (g) The department shall provide a hunter safety course for persons who
24 intend to accompany nonresident or nonresident alien bear predation management
25 permittees to take bear under (d) or (e) of this section. The department shall provide
26 the course materials for the course at each of its offices and through the department's
27 Internet website. The department shall offer the test for completion of the hunter
28 safety course at each of its offices. The department shall issue a hunter safety
29 certificate to each person who successfully completes the course.

30 (h) A person who takes a bear under authority of a bear predation management
31 permit shall have the bear sealed by the department within 15 days after returning

1 from the field. A nonresident or nonresident alien shall pay a fee of \$250 at the time
2 the bear is sealed by the department. The person shall accurately complete and return
3 to the department in a timely manner reports that may be required by regulations of the
4 Board of Game.

5 (i) In this section, "bear" means black bear or brown or grizzly bear.

6 * Sec. 2. AS 16.40 is amended by adding a new section to read:

7 **Article 6. Bear Hides and Skulls.**

8 **Sec. 16.40.275. Donation and sale of bear hides and skulls.** (a) A person
9 may donate a legally taken bear hide or skull to the department or a qualified
10 organization.

11 (b) The department may accept a donation of the hide or skull of a legally
12 taken bear and may sell the hide or skull by direct sale or auction. The disposal of a
13 bear hide or skull under this subsection is exempt from AS 36.30 (State Procurement
14 Code). The department shall return 50 percent of the net proceeds from the sale of the
15 hide or skull to the donor and shall deposit the balance of the proceeds in the general
16 fund. The legislature may appropriate proceeds retained by the department from the
17 sale of bear hides and skulls to the fish and game fund.

18 (c) A qualified organization that is recognized as tax-exempt under 26 U.S.C.
19 501(c)(3) (Internal Revenue Code) may, subject to regulations adopted by the Board
20 of Game, accept a donation of the hide or skull of a legally taken bear and sell the hide
21 or skull by auction or raffle. The organization may retain an amount from the gross
22 proceeds of the auction or raffle equal to the administrative cost of the auction or raffle
23 plus an amount not to exceed 50 percent of the net proceeds. The proceeds from the
24 auction or raffle of a big game harvest permit may not be used to make a contribution
25 to any candidate for political office or to any organization supporting or opposing
26 ballot propositions or to pay expenses associated with lobbying the legislature or
27 administration. Proceeds from the auction or raffle of a hide or skull, less the amount
28 that is retained by the qualified organization under this subsection, shall be transmitted
29 to the department for deposit in the general fund. The legislature may appropriate
30 proceeds received by the department under this subsection to the fish and game fund.

31 (d) In this section, "qualified organization" has the meaning given in

1

AS 16.05.343(c).

ALASKA STATE SENATE

Session:
State Capitol
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(907) 465-2327
(907) 465-5241 Fax



Interim:
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Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

MEMORANDUM

Date: February 7, 2004
To: Office of Senator Ogan
From: Senator Ralph Seekins
Re: Request for Hearing of SB 297

SB for R.S.

Attached please find Senate Bill 297. A Sponsor Statement ~~will follow shortly.~~ *is attached.*

Essentially, Senate Bill 297 makes additional tools available to the Board of Game where predation (in this case by bears) has been determined to be a cause for depletion of big game populations in certain game management areas.

I respectfully request a hearing before your committee on this Bill at your earliest convenience.
Thank you.

ALASKA STATE SENATE



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Juneau, Alaska 99801-1182
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(907) 465-5241 Fax

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Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

Senate Bill 297 Sponsor Statement

“An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas.”

There is no shortage of black or grizzly/brown bears in Alaska. Here, they are neither threatened nor endangered. In some Game Management Units the bear populations are many multiples of the established population objectives. The Alaska Department of Fish and Game estimates statewide black bear populations as high as 200,000 and the grizzly/brown bear population as high as 35,000.

In certain game management units, estimates range from 70–90% of all the moose calves are dead before they reach two months of age due, in large part, to bear overpopulation. As a result, fall recruitment is virtually zero and the reproductive base populations are crashing. The well publicized 2003 McGrath bear relocation experiment clearly demonstrated that a reduction in bear populations has a direct positive effect on increasing calf survivability and thus the long-term health of the resource. But relocation efforts do not solve the underlying problem.

Senate Bill 297 addresses Alaska’s bear over-population problem in those places — called Intensive Management Areas — where the Board of Game has: (1) first determined that consumptive use of the big game population is a preferred use; (2) depletion of the big game population has occurred and may result in a significant reduction in the allowable human harvest of the population; and (3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

It is important to understand that the provisions in SB 297 only come into play if the Board of Game, advised by the Department of Fish and Game biologists, finds that bears are a cause of the depletion or reduction of big game productivity.

Once the above findings have been made, SB 297 allows for remediation efforts on two fronts. First, registered guides would be allowed to select and add a fourth guide use area within the Intensive Management Area for black and/or grizzly/brown bears. Then, methods and means would be relaxed and seasons extended for the taking of bears through the private sector by Alaska residents and their family and friends.

A strong point of emphasis is that this program in all reality is, and should be viewed as, a predator control program. The provisions of this Act *do not apply* to Game Management Units in which intensive management is not necessary. Furthermore, proactive measures end as soon as the bear populations are once again within the population objectives that have been set by the Board of Game.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3967 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 10, 2004

SUBJECT: Sectional summary of SB 297, An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas
(Work Order No. 23-LS0607\S)

TO: Senator Ralph Seekins
Attn: Brian Hove

FROM: George Utermohle
Legislative Counsel

You have requested a sectional summary of SB 297, an Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 08.54.750 by adding a new subsection to authorize a registered guide to register for and conduct big game hunting services for black, brown, and grizzly bear within a guide use area where the Board of Game has identified bear predation as a cause of depletion of a big game prey animal population or a reduction in the productivity of a big game prey population that is a basis for the establishment of an intensive management program in a game management unit or a portion of a unit or for the declaration of the biological emergency in a game management unit or a portion of a unit. A registered guide may register to guide hunts for bears in the guide use area even if the registered guide has already registered for the maximum of three guide use areas normally allowed under AS 08.54.750(b).

Section 2 of the bill amends AS 16.05 by adding a new section relating to the taking of black, brown, and grizzly bear. If the Board of Game has identified predation by bear as a cause of the depletion of a big game prey population or reduction of the productivity of a big game population that is a basis for the establishment of an intensive management program in a game management unit or subunit or for the declaration of the biological emergency in a game management unit or subunit, bear may be taken in the game management unit or subunit under the provisions of this section. When the requisite conditions are met, a person may take bear with the use of bait, take bear on the same day airborne, take a sow that is accompanied by cub that is one year or older, take a bear that

Senator Ralph Seekins

February 10, 2004

Page 2

is one year or older, use any motorized vehicle to take bear, take bear within one mile of a solid waste disposal facility, and use electronic equipment to take bear. There is no closed season for bear in the game management unit or subunit where the requisite conditions exist. Also when and where the requisite conditions exist, a resident over 19 years of age is allowed to accompany up to two nonresident hunters (either nonresident or nonresident alien) in a year to take bear if the resident does not receive any compensation in excess of direct expenses incurred in accompanying the nonresident hunters.

Sections 3 and 4 of the bill make technical amendments to AS 16.05.407 and 16.05.408 to conform to Sec. 2 of the bill in order to exempt nonresident and nonresident alien hunters from the mandatory guide requirement for taking bear if the nonresident or nonresident alien hunter is accompanied by a resident over 19 years of age and the bear is taken in an area where the Board of Game has identified predation by bear as a cause of the depletion of a big game prey population or reduction of the productivity of a big game population that is a basis for the establishment of an intensive management program in a game management unit or subunit or for the declaration of the biological emergency in a game management unit or subunit.

If I may be of further assistance, please advise.

GU:med

04-160.med

Fairbanks Daily News-Miner

Expanding the toolbox

Monday, February 16, 2004 - Nothing is more frustrating than facing a job knowing you lack the proper tools. Any do-it-yourselfer can relate to that. Oh, sure, the job might get done, but it will be a struggle getting there, it will take longer than it should and, probably, it will cost more than it should.

We can't afford such sloppiness when it comes to managing Alaska's fish and game populations. So along comes Sen. Ralph Seekins, R-Fairbanks, with a new set of tools for the Alaska Board of Game.

Last year, the senator pushed through legislation that put tools in the hands of the board and the governor, which, in turn, has allowed wolf control efforts to move forward in areas where populations of those predators have depressed game populations.

While there are more efficient means to do the job, the regulations now allow skilled Alaskans to help manage the game populations in their own backyards.

The senator now seeks to add tools that would allow the board to give residents similar ability to address bear populations in those same areas through provisions in SB297.

If it wasn't widely known that bears are as great a factor—or, in some instances, a greater factor—in depressing game populations as are wolves, then last spring's bear relocation effort on the part of Fish and Game should have helped spread that knowledge by now. The relocation program was effective to a degree, but it was costly.

Seekins, by asking to modify statutes that provide the framework guiding and fish and game regulations, is advocating for a new set of tools the board can use in areas identified as those in need of intensive management. The tools would allow attempts to reduce bear populations without relying on expensive state-run programs.

The tools include removing a restriction that requires nonresidents to hire a professional guide or to be accompanied by a family member to hunt grizzly bears. Instead, a nonresident simply could be accompanied by any Alaskan 19 years or older.

This could be effective, allowing skilled hunters to accompany friends or distant relatives who are interested in taking a bear. It would allow a friend or an in-law to pick up a bear tag before going moose or caribou hunting, adding considerably to the pool of hunters able to take "incidental" bears—which make up a large portion of the fall bear harvest. Other tools include: allowing baiting of grizzly bears; allowing same-day airborne hunting and use of motorized vehicles in the taking of bears; allowing the kill of sows with cubs that are 1 year of age or older and the kill of those same 1-year-olds; and no closed season on bear.

Granted, some of the tools look a little scary, but they must be addressed in the context that they are designed—for predator control in limited areas for limited amounts of time.

If it makes sense to target wolves for population reduction in certain areas, it logically follows that those population-reduction strategies should extend to bears, which, in some areas, kill as many or more moose as wolves. Decisions about which tools are used in what area, and to what extent they are used, is rightly left to the public process that involves the Alaska Board of Game.

As long as they are applied carefully and in limited areas for a limited time, it only makes sense to allow the board access to a full array of tools to do the job.

Thanks for the BEAR hunt support!

Subject: Thanks for the BEAR hunt support!

Date: Tue, 10 Feb 2004 01:43:51 -0500

From: "Robert Hayes" <robertwhayes49ak@aol.com>

To: "The Honorable Ralph C. Seekins" <Senator_Ralph_Seekins@legis.state.ak.us>

Robert Hayes
3913 Lynn Dr. Apt D
Anchorage, AK 99508

February 10, 2004

The Honorable Ralph C. Seekins
Alaska State Senate
Juneau, AK 99801-1182

Dear Senator Seekins:

Thanks for the BEAR hunt support!
This was a "smart move" to counter the anti-bear bait people (liberals)!
We should do this with all the anti-Alaskan shet they come up with!
Robert W. Hayes
Anchorage AK
907-337-6870

Sincerely,

Robert W. Hayes

Subject: support your efforts on predator control for wolf and bear

Date: Tue, 10 Feb 2004 10:27:56 -0900

From: Marvin Ebnet <mael@alaskalife.net>

To: Senator_Ralph_Seekins@legis.state.ak.us

Senator Seekins

I have been an Alaska resident for 30 years. I have lived off the fish and game of this great state. Coming from a farm in Minnesota, we kept out freezers filled with fish, deer, squirrel, ducks etc. In Alaska I have been fortunate to do the same (Until the wolf and bear population grew out of proportion to the other game animals). Although I could afford to buy meat in the grocery store I much prefer wild game and have pretty much lived off Alaska's wildlife, I figure I am as much a subsistence harvester as the next person, I just happen to call my base Anchorage.

I applaud your past efforts to support and promote wolf control programs and now also support your efforts with regards to bear control. I have seen first hand in area 16B (Skwetna/Susitna drainage) what an over population of wolves and bear have done to the moose population. As you well know the problem is wide spread across the state.

I support and encourage you to stay the course and keep pushing for aggressive predator control. The game biologist know what needs to be done they simply need the leaders, direction and support to do what necessary to maintain a healthy balance in our wildlife population.

Keep up the good work
Marvin Ebnet
9400 Springhill Drive
Anchorage, Ak 99507
(907) 346-1966

Subject: moose bears

Date: Tue, 10 Feb 2004 06:21:54 -0900

From: Wes Perkins - NVFD <NOMEFD@gci.net>

To: Senator_Ralph_Seekins@legis.state.ak.us

Hi Ralph, This is Wes Perkins of Nome, I am on the Alaska Airlines Advisory Board, so i remember you well. I have been following your meetings and thought on wolf and bears. We have the same problems here. I hunt the same area and have for over 25 years, moose are on the decline, and bears are everywhere. We never saw sows with 2 or 3 or 4 cubs while growing up here, and now 3 is common, and there are at least 2 sets of 4 in the Nome area.

We have lots of wolves here, as the caribou are abundant during the late fall and winter. We have seen alot of wolves and signs of them everywhere. I was hunting last fall, and saw a family of 4 right across the valley. We have seen very few moose, and the cows and calfs are way down. I talk with the biologists here at time, its frustrating, as they say where you hunt there are not many cows with calfs, hell ten to 15 years ago we saw all kinds of thern in the same area we always hunted, well you are hunting an area in the fall where moose are in the rut, and its not normal for cows with calfs to be present. Hell, there were lots of cows with calfs right in with the rest of the moose in the same draws, and drainages.

I keep telling these biologists, the best eyes are the hunters, especially the ones that hunt the same areas year to year for over 25 years or more. The predators here are still on the rise, and its hard to get hunters to shoot bears, as they do not want to deal with the hides, and if you live here, how many bear hides do you need hanging on the wall or on the floor. The bear problems is with the sows and cubs, they cremate the poor cows in the spring when they cannot move waiting to have their newborn. One weekend, 5 bears were taken in one small area out of Council, and i was involved with all 5, everyone had a fresh moose down that was carrying at least one calf inside. Thats where our moose population is going.

Well, i know you are busy and i know you are taking alot of heat, but i truly believe you are on the right track, it makes alot of sense, i just hcpe you get the support. Good luck, and keep pushing for better predator control

Wes Perkins Fire Chief City of Nome

23-LS0607X
Utermohle
4/16/04

CS FOR SENATE BILL NO. 297(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR SEEKINS

*CS
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Wagoner
subject - Ogan
re moved
adopted U.C.*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to bear predation management and the donation and sale of bear hides
2 and skulls."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.781. Bear predation management.** (a) If, under AS 16.05.255(e)
6 or (f), the Board of Game has identified predation by bear as a cause of the depletion,
7 or the reduction of the productivity, of a big game prey population that is a basis for
8 the establishment of an intensive management program in a game management unit or
9 subunit or for the declaration of the biological emergency in a game management unit
10 or subunit, the species of bear identified by the board may be taken under (c) - (e) of
11 this section in the area identified by the board by a person who holds a bear predation
12 management permit issued under this section. If the department determines that
13 within the area in which an intensive management program is in effect, the bear
14 population has been reduced to the population level set by the board or the big game

1 prey population has achieved the population objectives set by the board, the provisions
2 of (c) - (e) of this section are no longer in effect in the area. The department shall
3 provide notice to the public of when and where (c) - (e) of this section are in effect.

4 (b) The department shall issue a bear predation management permit to a
5 resident, nonresident, or nonresident alien who holds a valid state hunting license to
6 take bear, who is at least 19 years of age, who satisfies the requirements set out in this
7 section, and who applies for the permit. A bear predation management permit
8 authorizes the permit holder to take or assist in taking one or more specified species of
9 bear in the area identified in the permit. The taking of bear under authority of a bear
10 predation management permit is subject to provisions of this title, applicable to the
11 taking of bear, and to regulations governing the method, manner, means, bag limit, or
12 other matters adopted by the board that do not conflict with this section. The
13 department shall issue bear predation management permits at each of its offices.

14 (c) Notwithstanding AS 16.05.407 or 16.05.408, a nonresident or a
15 nonresident alien who holds a bear predation management permit issued under this
16 section may take a bear under the authority of the permit if the nonresident or
17 nonresident alien is accompanied in the field by either a registered guide or a master
18 guide or by a resident who holds a bear predation management permit for the area
19 where the hunt occurs, who is over 21 years of age, who has legally hunted big game
20 in the state during at least two calendar years and has taken big game in the state
21 during at least one calendar year, and who has obtained a hunter safety certificate
22 issued under (f) of this section. A registered guide or a master guide is not subject to
23 any limitation on the number of nonresident or nonresident alien permittees that the
24 guide may accompany for purposes of taking bear under this section. A resident who
25 is not a registered guide or master guide may not receive any remuneration in excess
26 of direct expenses incurred in accompanying the nonresident or nonresident alien to
27 take a bear and may not accompany more than two nonresidents, regardless of whether
28 they are aliens or not, during a calendar year to take a bear under this subsection. A
29 resident who accompanies a nonresident or nonresident alien permittee, but who is not
30 a registered guide or master guide, shall remain with the nonresident or nonresident
31 alien permittee at all times when the nonresident or nonresident alien permittee is in

1 the field.

2 (d) Notwithstanding any other provision of law, a nonresident who is a
3 member of the military service or the United States Coast Guard who is stationed in
4 the state, who satisfies the requirements set out in this section, and who is at least 19
5 years of age shall receive, upon application, a resident bear predation management
6 permit issued under this section and shall be eligible to take bear under this section in
7 the area identified on the permit without obtaining a nonresident or nonresident alien
8 bear tag. A person who is eligible for a resident bear predation management permit
9 under this subsection is a resident for purposes of accompanying nonresident and
10 nonresident alien permittees under (c) of this section and may accompany nonresident
11 and nonresident alien permittees to take bear if the person holds a bear predation
12 management permit issued under this section for the area where the hunt occurs, is at
13 least 21 years of age, has legally hunted big game in the state during two calendar
14 years and has taken big game in the state during at least one calendar year, and has
15 obtained a hunter safety certificate issued under (f) of this section.

16 (e) Notwithstanding any other provision of law, a resident, a nonresident, or a
17 nonresident alien who holds a bear predation management permit issued under this
18 section may take bear under the authority of the permit without obtaining a big game
19 tag for bear.

20 (f) The department shall provide a hunter safety course for persons who intend
21 to accompany nonresident or nonresident alien bear predation management permittees
22 to take bear under (c) or (d) of this section. The department shall provide the course
23 materials for the course at each of its offices and through the department's Internet
24 website. The department shall offer the test for completion of the hunter safety course
25 at each of its offices. The department shall issue a hunter safety certificate to each
26 person who successfully completes the course.

27 (g) A person who takes a bear under authority of a bear predation management
28 permit shall have the bear sealed by the department within 15 days after returning
29 from the field. A nonresident or nonresident alien shall pay a fee of \$250 at the time
30 the bear is sealed by the department. The person shall accurately complete and return
31 to the department in a timely manner reports that may be required by regulations of the

1 Board of Game.

2 (h) In this section, "bear" means black bear or brown or grizzly bear.

3 * Sec. 2. AS 16.40 is amended by adding a new section to read:

4 **Article 6. Bear Hides and Skulls.**

5 **Sec. 16.40.275. Donation and sale of bear hides and skulls.** (a) A person
6 may donate a legally taken bear hide or skull to the department or a qualified
7 organization.

8 (b) The department may accept a donation of the hide or skull of a legally
9 taken bear and may sell the hide or skull by direct sale or auction. The disposal of a
10 bear hide or skull under this subsection is exempt from AS 36.30 (State Procurement
11 Code). The department shall return 50 percent of the net proceeds from the sale of the
12 hide or skull to the donor and shall deposit the balance of the proceeds in the general
13 fund. The legislature may appropriate proceeds retained by the department from the
14 sale of bear hides and skulls to the fish and game fund.

15 (c) A qualified organization that is recognized as tax-exempt under 26 U.S.C.
16 501 (c)(3) (Internal Revenue Code) may, subject to regulations adopted by the Board
17 of Game, accept a donation of the hide or skull of a legally taken bear and sell the hide
18 or skull by auction or raffle. The organization may retain an amount from the gross
19 proceeds of the auction or raffle equal to the administrative cost of the auction or raffle
20 plus an amount not to exceed 50 percent of the net proceeds. The proceeds from the
21 auction or raffle of a big game harvest permit may not be used to make a contribution
22 to any candidate for political office or to any organization supporting or opposing
23 ballot propositions or to pay expenses associated with lobbying the legislature or
24 administration. Proceeds from the auction or raffle of a hide or skull, less the amount
25 that is retained by the qualified organization under this subsection, shall be transmitted
26 to the department for deposit in the general fund. The legislature may appropriate
27 proceeds received by the department under this subsection to the fish and game fund.

28 (d) In this section, "qualified organization" has the meaning given in
29 AS 16.05.343(c).

*adopted
by comm
as CS*

23-LS0607W
Utermohle
3/31/04

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR SEEKINS

Introduced:
Referred:

*bd skulls
sets time frame
area +
of animals
taken*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of black bear and brown or grizzly bear and the donation
2 and sale of bear hides and skulls."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 16.05 is amended by adding a new section to read:

5 Sec. 16.05.781. Control of black bear and brown or grizzly bear. (a) If,
6 under AS 16.05.255(e) or (f), the Board of Game has identified predation by bear as a
7 cause of the depletion, or the reduction of the productivity, of a big game prey
8 population that is a basis for the establishment of an intensive management program in
9 a game management unit or subunit or for the declaration of the biological emergency
10 in a game management unit or subunit, the species of bear identified by the board may
11 be taken under (c) - (i) of this section in the area identified by the board by a person
12 who holds a bear control permit issued under this section. If the department
13 determines that within the area in which an intensive management program is in
14 effect, the bear population has been reduced to the population level set by the board or

1 the big game prey population has achieved the population objectives set by the board,
2 the provisions of (c) - (i) of this section are no longer in effect in the area. The
3 department shall provide notice to the public of when and where (c) - (i) of this section
4 are in effect.

5 (b) The department shall issue a bear control permit to a resident, nonresident,
6 or nonresident alien who holds a valid state hunting license to take bear, who is at least
7 19 years of age, who satisfies the requirements set out in this section, and who applies
8 for the permit. A bear control permit authorizes the permit holder to take or assist in
9 taking one or more specified species of bear in the area identified in the permit. The
10 taking of bear under authority of a bear control permit is subject to provisions of
11 AS 16, applicable to the taking of bear, and to regulations governing the method,
12 manner, means, bag limit, or other matters adopted by the board that do not conflict
13 with (c) - (k) of this section. The department shall issue bear control permits at each
14 of its offices.

15 (c) Notwithstanding AS 16.05.407 or 16.05.408, a nonresident or a
16 nonresident alien who holds a bear control permit issued under this section may take a
17 bear under the authority of the permit if the nonresident or nonresident alien is
18 accompanied in the field by either a registered guide or a master guide or by a resident
19 who holds a bear control permit for the area where the hunt occurs, who is over 21
20 years of age, and who has legally hunted big game in the state during at least two
21 calendar years. A registered guide or a master guide is not subject to any limitation on
22 the number of nonresident or nonresident alien permittees that the guide may
23 accompany for purposes of taking bear under this section. A resident who is not a
24 registered guide or master guide may not receive any remuneration in excess of direct
25 expenses incurred in accompanying the nonresident or nonresident alien to take a bear
26 and may not accompany more than two nonresidents, regardless of whether they are
27 aliens or not, during a calendar year to take a bear under this subsection. A resident
28 who accompanies a nonresident or nonresident alien permittee, but who is not a
29 registered guide or master guide, shall remain with the nonresident or nonresident
30 alien permittee at all times when the nonresident or nonresident alien permittee is in
31 the field.

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(d) Notwithstanding any other provision of law, a nonresident who is a member of the military service or the United States Coast Guard who is stationed in the state, who satisfies the requirements set out in this section, and who is at least 19 years of age shall receive, upon application, a resident bear control permit issued under this section and shall be eligible to take bear under this section in the area identified on the permit without obtaining a nonresident or nonresident alien bear tag. A person who is eligible for a resident bear control permit under this section is a resident for purposes of accompanying nonresident and nonresident alien permittees under (c) of this section and may accompany nonresident and nonresident alien permittees to take bear if the person holds a bear control permit issued under this section for the area where the hunt occurs, is at least 21 years of age, and has legally hunted big game in the state during two calendar years.

no more TAGS

(e) Notwithstanding any other provision of law, a resident, a nonresident, or a nonresident alien who holds a bear control permit issued under this section may take bear under the authority of the permit without obtaining a big game tag for bear.

no mention of how far away it must be

(f) A person who holds a bear control permit may, within the area identified on the permit, use scents and ^{a gut pile} relocate and use viscera and inedible parts of game, or the whole or parts of dead domestic livestock, as an attractant for bear without having to register. — *Seekins - @ least a mile from a residence or cabin site*

(g) A person who holds a bear control permit may, within the area identified on the permit, fly into the field to hunt bear, use aircraft to locate or assist in locating bear, and use information as to the location of a bear from another person who, as an incident of flying, has located a bear. A person who holds a bear control permit may not use an aircraft to pursue, herd, or harass a bear.

~~(h)~~ (h) A person who holds a bear control permit may, within the area identified on the permit, use a motorized land vehicle or motorized boat to pursue and intercept a bear that has become aware of the person's presence. *under current law can't pursue & intercept*

(i) A person who holds a bear control permit may, within the area identified on the permit, use any communications equipment or optical illumination equipment to aid in the taking of bear. *would allow hunting @ night*

Cross with (e)

(j) A person who takes a bear under authority of a bear control permit shall

Some question on this section all we established too many categories

need to add on the same day

L

1 have the bear sealed by the department within 15 days after returning from the field.
 2 A nonresident or nonresident alien shall pay a fee of \$50 at the time the bear is sealed
 3 by the department. The person shall accurately complete and return to the department
 4 in a timely manner reports that may be required by regulations of the Board of Game.

5 (k) In this section, "bear" means black bear or brown or grizzly bear that is
 6 one year old or older. *Bob Boo*

7 * Sec. 2. AS 16.40 is amended by adding a new section to read:

8 **Article 6. Bear Hides and Skulls.**

9 **Sec. 16.40.275. Donation and sale of bear hides and skulls.** (a) A person
 10 may donate a legally taken bear hide or skull to the department or a qualified
 11 organization.

12 (b) The department may accept a donation of the hide or skull of a legally
 13 taken bear and may sell the hide or skull by direct sale or auction. The disposal of a
 14 bear hide or skull under this subsection is exempt from AS 36.30 (State Procurement
 15 Code). The department shall return 50 percent of the net proceeds from the sale of the
 16 hide or skull to the donor and shall deposit the balance of the proceeds in the general
 17 fund. The legislature may appropriate proceeds retained by the department from the
 18 sale of bear hides and skulls to the fish and game fund.

19 (c) A qualified organization that is recognized as tax-exempt under 26 U.S.C.
 20 501 (c)(3) (Internal Revenue Code) may, subject to regulations adopted by the Board
 21 of Game, accept a donation of the hide or skull of a legally taken bear and sell the hide
 22 or skull by auction or raffle. The organization may retain an amount from the gross
 23 proceeds of the auction or raffle equal to the administrative cost of the auction or raffle
 24 plus an amount not to exceed 50 percent of the net proceeds. The proceeds from the
 25 auction or raffle of a big game harvest permit may not be used to make a contribution
 26 to any candidate for political office or to any organization supporting or opposing
 27 ballot propositions or to pay expenses associated with lobbying the legislature or
 28 administration. Proceeds from the auction or raffle of a hide or skull, less the amount
 29 that is retained by the qualified organization under this subsection, shall be transmitted
 30 to the department for deposit in the general fund. The legislature may appropriate
 31 proceeds received by the department under this subsection to the fish and game fund.

*claws?
gall?
flask?*

*←
no
qualified
could
be
any
hides
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written*

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(d) In this section, "qualified organization" has the meaning given in AS 16.05.343(c).

Subject: SB 297**Date:** Mon, 15 Mar 2004 20:46:29 -0900**From:** Bob Gengler <goatb@earthlink.net>

To: "Rep. Gara" <Representative_Les_Gara@legis.state.ak.us>,
 "Sen. Bunde" <Senator_Con_Bunde@legis.state.ak.us>,
 "Sen. Davis" <Senator_Bettye_Davis@legis.state.ak.us>,
 "Sen. Dyson" <Senator_Fred_Dyson@legis.state.ak.us>,
 "Sen. Elton" <Senator_Kim_Elton@legis.state.ak.us>,
 "Sen. French" <Senator_Hollis_French@legis.state.ak.us>,
 "Sen. Green" <Senator_Lyda_Green@legis.state.ak.us>,
 "Sen. Guess" <Senator_Gretchen_Guess@legis.state.ak.us>,
 "Sen. Hoffman" <Senator_Lyman_Hoffman@legis.state.ak.us>,
 "Sen. Johnny Ellis" <Senator_Johnny_Ellis@legis.state.ak.us>,
 "Sen. Lincoln" <Senator_Georgianna_Lincoln@legis.state.ak.us>,
 "Sen. Ogan" <Senator_Scott_Ogan@legis.state.ak.us>,
 "Sen. Olson" <Senator_Donny_Olson@legis.state.ak.us>,
 "Sen. Seekins" <Senator_Ralph_Seekins@legis.state.ak.us>,
 "Sen. Stedman" <Senator_Bert_Stedman@legis.state.ak.us>,
 "Sen. Stevens" <Senator_Ben_Stevens@legis.state.ak.us>,
 "Sen. Therriault" <Senator_Gene_Therriault@legis.state.ak.us>,
 "office_of_the_governor@gov.state.ak.us" <office_of_the_governor@gov.state.ak.us>

Hello,

This message was sent via the POM but was rather short. Please find the original text below.

Dear Legislators,

Please consider you vote on SB 297 long and hard before you follow the the hunters and A.O.C. members who make up the BOG and their whims to increase hunting of brown and black bears. I had heard that this bill allowed sale of skulls and other parts, but after reading the text, I did not see this mentioned. As you know, the initiative to ban bear baiting will be on the next election ballot. This is one measure that SB 297 endorses. Once again the BOG seems to ignore the wishes of large numbers of the public to promote their one sided approach to wildlife/game management.

They do this with little attention to actual scientific concerns about the reproductive cycle of the brown bear. The brown bear is not endangered in Alaska but that is no excuse to increase the hunting. The BOG has shown minimal restraint, and any restraint that it has chosen to use seems to be only temporary and only to appease the so called extreme environmentalists. I will not waste your time with a long winded diatribe, but in short not all alaskans desire "tough" predator control, and this new bill continues to push the envelope of sound wildlife/game management.

Thank you for your time.

Sincerely,

Robert N Gengler
 934 Tyonek Dr. #2
 Anchorage, AK 99520

SS

Testimony for SB 297
Division of Wildlife Conservation
Senate Resources Committee -- April 14, 2004

We believe

The Sponsor Substitute makes some ~~important and positive~~ ^{important improvements} changes to the

original bill. Foremost is the change in approach from an expansion of hunting methods to the establishment of a bear predation management

program. This avoids some of the ethical issues involved in the original bill

and preserves hunting as a fair-chase activity. It limits ~~extraordinary~~ ^{out of the ordinary}

additional methods of taking bears to specific situations where the BOG has

found that a bear population needs to be reduced. The SS would now serve

as an umbrella statute to the bear management policy and associated

regulations recently adopted by the Board of Game in a way that is

analogous to the structure of the wolf predation management laws. This

would allow both wolf and bear predation issues to be addressed together in

predation control plans formulated by the Board.

The BOG and department agree that the first step in reducing bear numbers

should be through liberalized hunting regulations. ~~Generally~~ ^{Often}, such attempts

have been less effective than hoped because liberalized hunting rules did not

result in higher hunter effort. Allowing nonresidents to hunt brown/grizzly

bears without a guide and treating 1st-year military personnel as residents are

^{approaches}
innovative ways to increase ^{ing} hunter effort in areas where ~~the bear population~~
~~needs to be reduced.~~ we need to have more bears taken.

At the last meeting of this committee some members questioned why first year military personnel were included in the exemption for hiring a guide. Concern was expressed that this might provide an opportunity to challenge the guide requirement based on safety issues. When this concept was first discussed, we suggested allowing first year military residents to hunt without a guide because we thought it would likely provide the increase in the number of grizzly bear hunters that were needed to increase harvest in GMU 13 while having minimal impact on the guiding industry through legal challenge. We would require all first year military personnel obtaining a permit to attend a training course where we would emphasize safety. This could be done rather easily because the military people would be a closed population.

Since the bill has been expanded to allow other nonresident hunters to qualify for permits, it would not be necessary to deal with military people separately. However, ^{probably} we will consider requiring some level of training as a ^{whatever the ~~training~~} permittee pool ends up being

permit condition and I think this can provide some protection in case the statute is challenged.

We do have some specific changes to suggest. In Section 1:

- Suggest changing ^{the phrase} "Control of black and brown or grizzly bear" to "Bear Predation Management" in the title of the new statute (and elsewhere).

We need to eliminate the connotation that the state is trying to eradicate bears

- Paragraph (j): Since the legislature would be making a distinction between hunting and taking bears as a predation management measure, we agree that it is appropriate to not require nonresidents to obtain a brown bear tag. We agree with charging a ^{permit fee or alternatively, a} sealing fee for people ~~that~~ ^{who} harvest a bear. However, we think the fee should be around \$500, not \$50. This program will be the only way that non-resident hunters can harvest a grizzly bear anywhere in North America without hiring a guide that cost from \$5000 to \$8000. A \$400 to \$500 ~~seal~~ing fee will not deter people from participating and would be helpful in funding the department's management programs.

The department believes that the main purpose of this statute should be to establish the authority under which bear predation can be managed and should contain general sideboards for such programs. We believe that including detailed methods/means descriptions at this level is unwise. As the SS is written, all of the described methods^{/means} would be authorized in all cases where bear predation management was in effect. Since every wildlife management situation has unique challenges, different programs^{in different areas} should be custom-tuned and managers should have the flexibility to choose the methods/means that would be most effective. (Speaking in general, can provide specific places where we suggest removing reference to methods/means).

In our opinion, a better way to approach this would be to have the BOG develop the details for each bear predation program and include them in a predation management plan that would be adopted in regulation. This would allow the Board to authorize measures appropriate and justifiable for the specific situation without including methods that are not necessary.

The BOG developed the regulatory framework for conducting bear predation management at its March meeting because the members recognize the need

to reduce bear predation in certain areas. They adopted a bear management policy which included provisions for reducing bear numbers when certain conditions are met. They adopted regulations to allow issuance of permits for bear population reduction. So, the regulatory structure for bear predation management is substantially in place already. The committee should note that in constructing its bear management policy the BOG has already included most of the methods and means included in the SS as potential ways to implement a bear reduction program. Methods and means included in the SS that are not already in the regulation could be referred to the Board for its consideration.

in order to reach regulatory management guidelines

Section 2

This section has two components:

- 1) A qualified organization could accept donations of bear hides and skulls, auction or raffle them off, and return at least 50% of the net proceeds to the fish and game fund.
- 2) The commissioner could accept donations of hides and skulls, and would return up to 50% of net proceeds to the donor. We have some concerns about administrative overhead involved in such a program, but we can make it work.

We do have one request, based on our experience in handling DLP bear hides, confiscated animals, the quality of hides may be of little value due to poor handling. The statute should give the department and authorized organizations discretion in accepting hides, or we will be faced with sizeable disposal costs.

Subject: SB 297

Date: Sun, 21 Mar 2004 10:44:42 -0900

From: "Nina Faust" <fausbail@xyz.net>

To: <Undisclosed-Recipient:;>

P.O. Box 2994

Homer AK 99603

March 21, 2004

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Senate Resources Committee

Alaska State Legislature

Juneau AK 99801

Dear Senate Resources Committee Members:

SB 297 is one of the most backward proposals for managing brown bears that I have ever seen in my 35 years in Alaska as a wildlife biologist. It recalls the era in our early history when some people called for the extermination of bears on Admiralty Island and other areas in the name of making it safe for logging and mining! Now we see legislation proposing the legalization of methods to dispose of bears that are not even legal in most places in the name of "intensive game management!"

This bill would allow a person to take bear with the use of bait without registration and relocate viscera and nonedible parts of legally taken game for use as bait for both black and brown bears. Baiting bears is an unethical, unsafe practice, and presently it is illegal to bait brown bears for very good reason. This is a very imprudent practice to institute.

Voters have spoken loudly through initiatives in 1996 and 2000 that they do not condone hunting wolves the same day as airborne. There is no reason to believe Alaskans would approve of killing bears on the same day as airborne either!

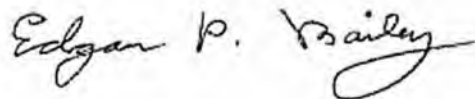
Obviously many want to essentially decimate Alaska's bears to artificially increase ungulates for hunters. This bill would allow a person to take a bear sow that is accompanied by a cub that is one year of age or older. Often average hunters are not likely to know how old the cub is, especially in heavy cover. Killing sows and cubs is not good bear management because of their low birth potential.

Other proposals contained in this bill are also appalling. There is no closed season for bears. A person may use any motorized vehicle in taking bear. I suppose one could use a helicopter or a dozer under this bill. Allowing nonresidents accompanied by an adult resident to take a bear is a provision that is open to abuse and is virtually unenforceable. A hunter may take a bear within one-half mile of a solid waste disposal facility, and a person may use an electronic predator call device and electronic telecommunications equipment as an aid to take bear—how sporting!

I am flabbergasted that any legislator in this day and age would present a bill like this. What's next—use of poison and bounties? This amounts to an all out, take out all the stops, war on bears. This bill should not pass in any form. It is an embarrassment to most sportsmen and others in Alaska.

Fortunately, despite early efforts to eradicate the bears of Admiralty Island, sensible management won out. Now the bears of Admiralty Island are one of Alaska's treasures. We are fortunate to have incredible wildlife populations in Alaska that still include all the major predators, unlike California which ironically depicts the extirpated grizzly bear on its flag. The last known grizzly there was killed in 1913. Rather than mandating "intensive game management" and trying to devise out-dated ways to kill bears, the State should be concentrating on balanced, scientific management of all species. Now with reintroductions of large predators in some areas Outside, we are finally learning how important they are to a healthy natural system. Let's not make the same mistakes in Alaska by trying to locally exterminate bears. Please do not pass retrogressive SB 297.

Sincerely,

A handwritten signature in cursive script that reads "Edgar P. Bailey". The signature is written in dark ink and is positioned below the word "Sincerely,".

Edgar Bailey

Subject: No on "Bear Control" Bill SB 297

Date: Sun, 21 Mar 2004 21:29:21 -0900

From: "Paul D. Putz" <pdputz@qci.net>

To: Senator_Scott_Ogan@legis.state.ak.us

We wish to express our concern over the pending "bear control" bill (Senator Seekins' SB 297), which is currently under discussion in the legislature.

This bill is irresponsible and extremist and must be stopped. It completely disregards all responsible wildlife management practices and will result in the decimation of Alaska's bear populations, as well as encourage abuse by sportsmen. We are long time Alaskan residents (20 years in the Chugiak area). One of Alaska's truly unique characteristics--and one that makes life worth living here--is its still wild populations of animals long extinct or on the verge of extinction in the lower 48 states. Passing bills like SB 297 will only result in further destruction of this unique heritage. One more aspect of Alaska's specialness will be destroyed in the interests of yet another private interest group (in this case, extremist hunters).

As non-consumptive users of Alaskan wildlife (we like to view and photograph them, not shoot them), we by far represent the majority of public opinion in this state, yet we have no representation whatsoever on the Board of Game. This is a travesty of governmental representation that has been allowed to continue too long.

We urge you to do all you can to prevent passage of SB 297 and to encourage fairer representation, including non-consumptive interests, on the Alaska Board of Game. Current management practices are out of hand and out of touch with good game management practices. Many long-time, well-known Alaskan hunters are actively opposing these practices. The recent Compass piece by guide Karl Braendel ("Hunters can't defend grizzly-kill plans", Anchorage Daily News, 3/13/04) is just one of many examples of criticism from highly-experienced consumptive users. He calls current practices "unconscionable", which they are. Aerial wolf hunting--twice vetoed by Alaskan voters; bear-baiting; shooting now of moose cows and calves; and now the proposed SB 297 bill--all this is leading inexorably toward the destruction of Alaska's wild heritage. It's time to stand up and do something about it before it's too late.

Sincerely,

Paul Putz

Karen Lester

21035 Country View Dr
Chugiak AK 99567
(907) 688-4894
PDPutz@qci.net

Subject: moose bears

Date: Tue, 10 Feb 2004 06:21:54 -0900

From: Wes Perkins - NVFD <NOMEFD@gci.net>

To: Senator_Ralph_Seekins@legis.state.ak.us

Hi Ralph, This is Wes Perkins of Nome, I am on the Alaska Airlines Advisory Board, so i remember you well. I have been following your meetings and thought on wolf and bears. We have the same problems here. I hunt the same area and have for over 25 years, moose are on the decline, and bears are everywhere. We never saw sows with 2 or 3 or 4 cubs while growing up here, and now 3 is common, and there are at least 2 sets of 4 in the Nome area.

We have lots of wolves here, as the caribou are abundant during the late fall and winter. We have seen alot of wolves and signs of them everywhere. I was hunting last fall, and saw a family of 4 right across the valley. We have seen very few moose, and the cows and calfs are way down. I talk with the biologists here at time, its frustrating, as they say where you hunt there are not many cows with calfs, hell ten to 15 years ago we saw all kinds of them in the same area we always hunted, well you are hunting an area in the fall where moose are in the rut, and its not normal for cows with calfs to be present. Hell, there were lots of cows with calfs right in with the rest of the moose in the same draws, and drainages.

I keep telling these biologists, the best eyes are the hunters, especially the ones that hunt the same areas year to year for over 25 years or more. The predators here are still on the rise, and its hard to get hunters to shoot bears, as they do not want to deal with the hides, and if you live here, how many bear hides do you need hanging on the wall or on the floor. The bear problems is with the sows and cubs, they cremate the poor cows in the spring when they cannot move waiting to have their newborn. One weekend, 5 bears were taken in one small area out of Council, and i was involved with all 5, everyone had a fresh moose down that was carrying at least one calf inside. Thats where our moose population is going.

Well, i know you are busy and i know you are taking alot of heat, but i truly believe you are on the right track, it makes alot of sense, i just hope you get the support. Good luck, and keep pushing for better predator control

Wes Perkins Fire Chief City of Nome

To: The Resource Committee
Re: Opposition to SB297

March 17, 2004

Dear Resource Committee Members,

My name is Jenny Pursell and I live at 11687 Auke St. in Juneau, Alaska. I am here before you today to give testimony in strong opposition of SB297. The leverage that this bill gives guides and hunters to kill bears when the State Board of Game declares 'Intensive Game Management' is egregious and unacceptable. It is unacceptable because it would sanction knee jerk responses to the management of game versus sound scientific research directly pertaining to the 'intensive game management' areas. SB297 targets and scapegoats black, brown, and grizzly bears for decreases in ungulate populations. It is well known that other significant variables effect decreased game populations, those variables include: harsh winters, disease, over hunting, and destruction and pollution of wildlife habitat. Global warming is also becoming a factor in its impact on wildlife populations. An example of this is the Perry Caribou herd of the Arctic. This herd, which lives on an island off of the Arctic coast, has incurred a decrease of population due to global warming. The reason for this is because warming temperatures have caused snow to melt on top of the permafrost even during the winter. After the snow melts, at some point it will freeze, creating ice. The Perry caribou cannot dig, with their hooves, through the ice to get to their food sources. This phenomenon has decreased their population through starvation.

It is clear that management of predator and prey populations cannot be determined by short sighted or politically spurred methods. Management must always be comprised of scientifically based information pertaining to specific management areas. SB297 would not facilitate that kind of management. It is not in the best interest of the state of Alaska to jeopardize healthy bear populations with one day land and shoots, black and brown bear baiting, culling of sows and year old cubs, and deliberate hunting forays whose sole purpose is to decrease bear populations.

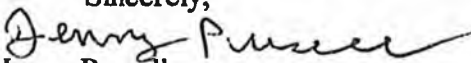
Yukon Territory Canada implemented a predator control program from 1992 to 1997, which included the use of surgical sterilization of wolves to help bolster caribou and moose populations within the Territory. This sterilization along with temporary closure of moose and caribou hunting areas, relocation of wolves, wolf trapping and hunting, and the killing of wolves proved to be effective in bolstering ungulate populations. I use this as an example to emphasize the point that there are other viable means to increase game populations.

In addition to the afore mentioned negative aspects of SB297 lets not forget the bad public relations that such archaic methods promote for many and especially for those people that have plans to vacation in Alaska.

The Alaska Constitution proclaims that the priority use of game is for human consumption. There will not be sustainable populations of game unless it is managed

scientifically. SB297 does not manage predator and prey populations for sustainability. In the long run, Senator Seekin's bill will not provide Alaskans with moose, caribou, and deer on their tables.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Pursell".

Jenny Pursell
P.O. Box 33578
Juneau, Alaska, 99803



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
committee name
 committee on 297 (SB), dated 3/17/04
bill/subject

I AM shocked and Dismayed at This bill, as a Hunter and Alaskan. This is the most short-sighted and sorry piece of legislation that I have read in quite a while. Bears are not a problem, but certain politicians and poachers are. You could always add hand grenades and Hellfire missiles to the bill, its not much more of a stretch. Moose & Bears have been living in the same areas since the beginning of time. They did alright. But now during the Murkowski admin, we need this stuff. Give us a break — NO GIVE the bears a break.

Signed: MYRL Thompson

Testifier

Self / Hunting interests

Representing (Optional)

PO Box 877189 WASILLA

Address

373-1686

Phone No.

Hello, my name is Karen Deatherage and I am testifying on behalf of Defenders of Wildlife, a non-profit wildlife conservation organization. I represent Defenders in their Anchorage office. Defenders has over 450,000 members nationwide, with at least 1,200 in Alaska. We have a neutral position with respect to hunting and trapping.

I am here today to testify against Senate Bill 297 in its entirety. There is not one component of this bill that is acceptable in any way to sound or ethical wildlife management. Senator Ralph Seekins has once again taken the liberty to override public process and the will of Alaskans when it comes to managing our state's wildlife, as he did with aerial wolf killing which was banned twice by the Alaskan public.

The bear control methods outlined in SB 297 are scientifically unsound. The 1997 National Academy of Sciences report entitled *Wolves, Bears and Their Prey in Alaska* states, "If given the opportunity, most (or all) bears would kill and eat an ungulate calf, but individual bears vary wildly in predation success. Given this variation among bears, the outcome of bear control programs is highly unpredictable. It will depend on which bears are removed and the feeding habits of the removed bears. Not surprisingly, bear control experiments have yielded inconsistent and short-term effects on ungulate calf survival."

Specifically, Defenders also believes bear control is ineffective because of the difficulty of determining which bears are targeting moose calves. Bear baiting is unsporting, conditions bears to human food, alters normal travel behavior and creates food and refuse disposal problems. Same-day airborne hunting of bears violates principles of fair-chase hunting and is inefficient as a predator management tool. The commercial sale of bear parts creates substantial enforcement problems and leads to the waste of a food resource. The harvest of sows and cubs raises sustainability and ethics concerns.

A cardinal rule of sound bear management is that baseline density estimates must be made before significant regulation changes occur. In Alaska, conservative bear management is generally the norm for the following reasons:

- (1) frequent regulation changes have an unknown effect on harvest patterns and make Department data comparisons difficult;
- (2) unaligned season lengths in different but nearby game Management Units creates serious enforceability problems;
- (3) early spring hunting seasons lead to mechanized hunting abuses;
- (4) bears have the slowest reproductive rates of any big game animal;
- (5) the inability to directly and routinely measure population trends;
- (6) the overall difficulty and expense of obtaining bear population data;

Board of Game Comments
February 21, 2003
Page 2 of 5

- (7) precise models of sustainable harvest rates are difficult to develop because parameters like emigration, immigration, unreported harvests and geographically misreported harvests are all difficult to quantify for bears;
- (8) over-harvest can cause long-term damage to a population which may not be recognizable in the short term.

We respectfully request that you do not pass SB 297 in its entirety.

Thank you for the opportunity to testify.

Karen Mathias

DEFENDERS OF WILDLIFE

308 G St. # 310

ANCHORAGE, AK 99501

907-276-9453

FOR IMMEDIATE RELEASE

March 17, 2004

Contact: Paul Joslin Cell 907 250 5944, office 907 277 9816, email Paul@akwildlife.org

EXTREME BEAR CONTROL LEGISLATION (SB 297) TO BE DISCUSSED IN SENATE RESOURCES COMMITTEE TODAY AT 3:30. (To hear testimony go to the Anchorage legislative office at 716 W 14th, second floor.)

Senator Seekins' bill SB 297 treats bears as vermin. This bill allows just about every imaginable way to butcher them. Hunters will be allowed to shoot sows with cubs as well as kill cubs on their own that are only one year old. People wishing to kill bears will be permitted to go after them with aircraft, snowmachines, four-wheelers, cars, trucks, airboats, indeed any motorized vehicle that can give them access to bears. Hunters will be permitted to train bears to come to artificially created food dumps so they can be shot. All manner of electronic means to coordinate hunts or otherwise improve the chances of killing bears will be made legal. Both brown bears and black bears will be subject to the same abuse. No closed season will exist for killing bears.

Many recognized authorities are speaking out against such liberalizations. In response to similar proposals recently considered by the Board of Game, the International Association for Bear Research and Management said, "We believe that the potential detrimental effects of such regulation changes have not been adequately addressed and that their implementation could jeopardize sustained yield management and public use of Alaska bear populations". The National Park Service, in its review of brown bear management in Western Arctic, stated: "Both subsistence and sport hunting opportunities for brown bears have been and continue to be liberalized in northwest Alaska without recent and rigorously reviewed scientific information about the status of the hunted populations."

Bears, especially brown bears, have a low reproductive rate. It does not take much to over-harvest them. When this happens it can take years for them to recover. This was a major point brought out by the two year National Academy of Sciences study of predator management in Alaska. It recommended against the manipulation of bear populations.

Bears are also extremely difficult to count, making it difficult for biologists to know when over-harvesting has occurred, and an ecological disaster is in the making. Unlike wolves, moose and caribou that can easily be counted against snow in winter, bears go into hibernation. The only time bears can be counted is during the time of year when they are surrounded by a background of vegetation.

Bears are not vermin. While they sometimes kill moose and caribou, it does not mean that the net effect is detrimental to the moose and caribou population. Bears not only have successfully co-existed with these species for tens of thousands of years, which ought to be a pretty good measure of their ecological importance, they have also done so in a manner that has enabled there to be over a million moose and caribou alive today in Alaska.

The State Legislature hopefully will recognize Senator Seekins' bill as extremist, and not support it.



Audubon ALASKA

715 L Street, Suite 200

~~XXXXXXXXXXXX~~

Anchorage, AK 99501

Tel: 907-276-7034

Fax: 907-276-5069

www.audubon.org

March 17, 2004

Chairman Scott Ogan and Members
Senate Resources Committee
Juneau, AK 99802
FAX: 907-465-6094

Re: Audubon Alaska Comments on SB 297 "An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas."

Dear Chairman Ogan and Committee Members:

My name is John Schoen. I am the senior scientist for Audubon Alaska. On behalf of Audubon Alaska, I would like to offer the following comments and recommendations as you consider SB 297, an Act relating to the taking of black and brown bears in Alaska.

The mission of Audubon Alaska is to conserve Alaska's natural ecosystems focusing on birds, other wildlife, and their habitats for the benefit and enjoyment of current and future generations. Audubon Alaska has over 2,400 members and supporters in Alaska. Audubon has a strong interest in the conservation and management of Alaska bears. We have just completed a 6-year project to help develop a conservation strategy for brown bears on the Kenai Peninsula and we have published a statewide bear safety booklet "Living in Harmony with Bears." Prior to my work with Audubon, I served as a wildlife biologist for the Alaska Department of Fish and Game for more than 20 years, including many years as a brown bear biologist. I also serve as an affiliate associate professor of wildlife biology at the University of Alaska Fairbanks and have been a hunter most of my life.

The legislation proposed in SB 297 significantly liberalizes the taking of black and brown bears in intensive management areas of Alaska. It goes further, however, to allow extraordinary methods and means far beyond the concept of fair chase. This legislation will apply to sport hunting and will trivialize the value of bears as big game in Alaska and may jeopardize bear conservation in some areas of the state.

Taking brown bears over bait is not done anywhere in North America and runs counter to all recommendations that management agencies have provided the public regarding bear safety.

Taking bears the same day airborne for sport hunting is far beyond the bounds of "fair chase." Few hunters and none of the big game guides I know would approve of using aircraft for hunting bears in Alaska.

The taking of female brown bears with yearling cubs is not responsible management. In most cases, survival of yearling cubs would be significantly reduced without their mother's protection.

The taking of a yearling brown bear certainly does not provide a trophy of value and few people eat brown bear meat. Such an action would waste a valuable resource and is hardly sporting.

No closed season on bears relegates them to the status of vermin rather than a valued big game animal and an important component of the ecosystem.

Allowing a hunter to use any motorized vehicle in the taking of bears strays far from "fair chase," denigrates sport hunting, and is risky for bear conservation.

Dropping the guide provision for non-resident hunters will reduce hunter safety and will likely result in higher wounding loss.

Taking a bear within one-half mile of a garbage dump is surely not sporting and will erode public support for hunting and hunters.

Allowing these methods and means for bear hunting will jeopardize bear conservation, particularly brown bears, in Alaska. Some of these may, in fact, significantly reduce populations in the long term far beyond what may be desired, because bears have low reproductive rates and populations are slow to rebound after significant declines. It would be preferable to simply liberalize seasons and bag limits rather than legalizing methods and means that are risky and highly controversial with the general public. Not only will these proposals increase conservation risks, they will also significantly increase public animosity toward hunting and hunters.

In my 28 years of wildlife work in Alaska, our state has always enjoyed the respect and confidence of wildlife professionals, hunters, and the general public regarding bear management. With this bill, that well-earned respect and confidence will evaporate overnight. Clearly stated, this is bad wildlife legislation. Please talk to other wildlife biologists, hunters, and the general public about this legislation. Allowing these extraordinary methods and means for taking Alaska's black and brown bears will be bad for bear conservation, hunting, and Alaska.

I urge you to say no to SB 297.

Thank you for considering our concerns.

Sincerely,



John W. Schoen
Senior Scientist

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Dear Members of the Committee,

March 17, 2004

In the early 1900's, over hunting and predator control were big issues. Denali National Park was created primarily because hunters were decimating sheep. Aerial hunting and poisoning began in the 1940s and 1950s. Poisoning ended with statehood in 1959, but aerial wolf control, including land-and-shoot, continued until 1994. These widespread efforts essentially turned parts of Alaska into moose and caribou feedlots.

The temporary explosion of game taxed beyond what the habitat could handle. Populations of moose and caribou peaked and crashed. Predators were blamed, and cries for control increased.

When poisoning ended at Statehood, and aerial wolf control was banned in 1994, predator/prey populations began to return to the balance nature intended.

Then the Board of Game, in cahoots with ADF&G, took the historic, artificially high "peak" population numbers created after decades of aerial wolf control and poisoning, and used those estimates to set population and harvest targets for each Game Management Unit.

Protests to a Board of Game made up of only hunters and trappers were ignored.

Meanwhile, proof of over hunting abounds. ADF&G studies show portions of 19D east have a bull/cow ratio of 6 per 100. A November 2001 trend count conducted along the Holitna/Hoholitna Rivers in 19A/B also verified bull/cow ratios of 6/100. In Unit 21D bull/cow ratios in 3-Day Slough are 15/100. At the Nowitna mouth, bull/cow ratios are 12/100, with 2/3 of those bulls being yearlings. ADF&G's goal is 30 bulls per hundred cows in a hunted population. Neither wolves nor bears target adult bull moose - only man. Why haven't hunters been managed?

Areas eligible for predator control based on artificially high moose harvest objectives and the Intensive Game Management Law include: GMU 9E, 9B, 9C, 12Z, 13A, 13B, 13C, 13D, 13E, 14A, 14B, 14C, 16A, 16B, 19A, 19B, 19C, 19D, 20A, 20B, 20C, 21D, 21E, 22A, 22B, 22C, 22D, 22E, 23Z, 24Z, and 25D, or more than 40 percent of the state. And there are cries for more.

Make no mistake - to meet hunters' goals, predator control will continue forever. You want proof? In Unit 20A, after decimating predators, the moose population now exceeds the carrying capacity of the habitat. Did the Game Board limit the taking of predators so nature can return balance? No. Now ADF&G and the Board of Game are actively promoting killing cows and calves in Unit 20A, and removed the statewide moose calf hunting prohibition during their last meeting.

Destroying predators, and bears in particular, will not solve the problem. Please oppose SB 297.

Dorothy Keeler,
Anchorage
248-9916

3/22



Alaska State Legislature

Please enter into the record by testimony to the (S)RES

committee on SB 297, dated: 3-17-04
BILL / SUBJECT

I oppose this Bill. There is no scientific info to back it up - only Hunties.

Let fish & game do their jobs, and keep laws such as this off the books!

Signed: Robert Archibold Robert Archibold
TESTIFIER

Self
REPRESENTING

PO Box 2460 Homer
ADDRESS

235-8214
PHONE NO.

faxed 3/17/04

P.O. Box 2994
Homer AK 99603
March 17, 2004

Senate Resources
Alaska State Legislature
Juneau AK

Dear Senate Resource Committee Members:

SB 297 "An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas" is one of the most backward proposals for managing brown bears that I have ever seen in recent times. It recalls the era in our early state history when some people called for the extermination of bears on Admiralty Island in the name of making it safe for logging. Now we see legislation proposing the legalization of methods to dispose of bears that are not even legal many places in the name of intensive game management!

This bill would allow a person to take bear with the use of bait without registration and relocate viscera and nonedible parts of legally taken game for use as bait for bear. Baiting bears is an unethical, unsafe practice, and presently it is illegal to bait brown bears for very good reason. This is an imprudent practice to institute.

Voters have spoken loudly through initiatives that they do not condone hunting wolves the same day as airborne. There is no reason to believe Alaskans would approve of killing bears on the same day as airborne either!

Are we out to decimate Alaska's bears? This bill would allow a person to take a bear sow that is accompanied by a cub that is one year of age or older. The average hunter is not likely to know how old the cub is. Second, killing the sow before she has kicked out the cub on her own may decrease chances that the cub will survive. This is not good bear management.

These other proposals contained in the bill are appalling. A person may take a bear that is one year of age or older. There is no closed season on bear. A person may use any motorized vehicle in taking bear. I suppose one could use a tank under this bill. A nonresident or a nonresident alien may take a bear if the nonresident or nonresident alien is accompanied by a resident who is over 19 years of age and who does not receive any remuneration in excess of direct expenses incurred in accompanying the nonresident or nonresident alien to take a bear. Bears reproduce slowly. There are not enough bears to go around as it is. A hunter may take a bear within one-half mile of a solid waste disposal facility. A person may use an electronic predator call device and electronic telecommunications equipment as an aid to take bear.

faxed 3/17/04 pg. 1/2

I am flabbergasted. This amounts to an all out, take out all the stops, war on bears. This bill should not pass in any form. It is an embarrassment to the people of the State of Alaska.

Fortunately, despite efforts to wipe out the bears of Admiralty Island, sensible management won out. Now the bears of Admiralty Island are one of Alaska's treasures. We are fortunate to have an incredible wildlife population in Alaska that still includes the major predators. Rather than mandating intensive game management and trying to devise out-dated ways to wipe out the bears, the State should be concentrating on balanced, scientific management of all species. We should remember the example of Yellowstone where all the large predators were extirpated. Now with reintroductions of large predators, we are finally learning how important they are to a healthy natural system. Let's not make those same mistakes in Alaska by trying to wipe out our bears. Please do not pass SB 297.

Sincerely,

A handwritten signature in cursive script that reads "Nina Faust". The signature is written in dark ink and is positioned above the printed name.

Nina Faust

CONTACT RECORD

Date Opened 2/11/04

Case Type (Dept) SB297 Bear bill
(Seekins)

LAST Name Nail

FIRST Name Clyde

Home Phone 376-6409

Work Phone

Aide ks

Mail Address HC34 Box 2125 Wasilla AK 99654 (Dist. 15) has property near Glenallen as well.

Email Address none

Case Subject Clyde is a fisherman/hunter who is VERY upset with Sen. Seekins about his latest bill, SB 297, re: shooting bears. He says "Seekins is going overboard. If it goes through the Senate, I'm going to start a petition for the first time in my life, to try to get it boycotted."

Clyde said he doesn't have a problem with the wolf control issue, but says bears are a different story. "What is he going after next...Dall sheep??"

Clyde said he was going to contact all the legislators, especially Seekins office. He knows alot of people in Fairbanks, and is going to spread the word.

Clyde said he would like to testify when the bill goes to committee.

Action I suggested that he go online to track the bill (and any other legislation). I gave him the website address, told him where to find the bill. He said he would have his wife do it. I told him I would pass the information on to Senator Ogan and his Resource Committee Aide.

Note:

(Clyde was reasonable to talk with, however, no matter how upset he was.) ks

Need to... Sent out a copy of the bill and more detailed info on BASIS use.

Status Open Closed Info Only Referred to Other Legislator

District Folder Alpha file Constituent Yes No

Closure Card/Letter Sent

2-11-2004

Contact Info

Contact Info

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